

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

ROBERT UPDEGROVE <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:20-cv-01141-CMH-JFA
	)	
MARK HERRING <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF R. THOMAS PAYNE, II**

I, R. Thomas Payne, II, declare as follows:

1. I am currently employed as Senior Assistant Attorney General and Section Chief of the Office of Civil Rights at the Virginia Office of the Attorney General. I have worked in my current position since July 1, 2012.

2. On November 16, 2020, Mona Hafeez Siddiqui executed a declaration in this matter in her capacity as an Assistant Attorney General at that time. See Dkt. 20-1. Ms. Siddiqui has since departed the Office of the Attorney General and is no longer employed as Assistant Attorney General or in any other role in that Office.

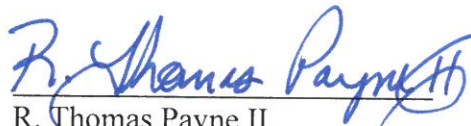
3. It has come to my attention that certain statements in Ms. Siddiqui's declaration were not accurate at the time they were made. I submit this declaration in my capacity as Senior Assistant Attorney General and Section Chief to correct the record.

4. Specifically, the statement that "the Division" (now the Office of Civil Rights) had not "received" complaints alleging "unlawful discrimination on the basis of sexual orientation or gender identity" was inaccurate. Upon further review of our records, the Office of Civil Rights, from July 1, 2020, through November 16, 2020, received eight complaints in which

the complainants' alleged bases of discrimination included "Sexual Orientation," "Gender Identity," or both. Six of these complaints involved employment discrimination and were referred to the U.S. Equal Employment Opportunity Commission (EEOC) for further processing under our work-sharing agreement with the EEOC. One complaint involved the provision of medical services and was referred to the U.S. Department of Health and Human Services for further processing. This complaint identified the respondent entity as both a "place of public accommodation" and "Other," noting "doctor's office." The final complaint in this timeframe was from a member of a private club and regarded action taken on the complainant's membership in that club, and we determined that the Office of Civil Rights did not have jurisdiction to further process or investigate that complaint.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on May 26, 2021 at Richmond, Virginia.



R. Thomas Payne II  
Senior Assistant Attorney General/Section Chief  
Office of Civil Rights  
Office of the Attorney General of Virginia